

Original

KRASKIN, LESSE & COSSON, LLP
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

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December 6, 2002

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DEC - 6 2002

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY


Re: CC Docket No. 01-92
Ex Parte Letter

Dear Ms. Dortch,

Our firm has been requested by our colleagues at Comingdeer, Lee & Gooch to transmit for filing with the Commission the attached ex parte letter on behalf of Cherokee Telephone Company. The letter addresses matters pertaining to the Commission's unified intercarrier compensation proceeding in CC Docket No. 01-92.

Please contact the undersigned if there are any questions regarding this matter.

Sincerely,


John Kuykendall

cc: Chairman Michael Powell
Commissioner Kathleen Abernathy
Commissioner Michael J. Copps
Commissioner Kevin Martin
Commissioner Jonathan S. Adelstein

Attachment

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CHEROKEE TELEPHONE COMPANY

DEC - 6 2002

CALERA, OKLAHOMA

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

W. O. Young, Chairman of the Board

*James O. Young, President
Ruth C. Young, Treasurer
Jenny E. Young, Secretary
Ronald McDonald, Assistant Manager*

P.O. BOX 445
Calera, OK 74730-0445
580.434.5375
580.434.5910 FAX

November 11, 2002

FCC Chairman
Michael Powell
445 12th Street SW
Washington, DC 20554

We operate a small rural telephone company in Oklahoma. Out state operating revenues consists of access charges billed to interexchange carriers, local service revenues billed to our end users, and state and federal ~~funds~~ necessary to help maintain reasonable rates to end users and to help meet the company's revenue requirements. In accordance with orders issued by the Oklahoma Corporation Commission, the small rural telephone companies in Oklahoma are access providers; therefore, they do not provide any retail toll services to end users located within our state certificated boundaries. Wireless carriers have made the choice to not directly connect to our network but rather connect to the RBOC LATA tandem and have contracted with and pay RBOC to route mobile to land traffic to our networks. When one of our customers makes a land to mobile call, because we are ~~an~~ access provider and have implemented the mandated equal access requirement, that call is handled by the customer's interexchange carrier. All toll calls including intraMTA wireless calls are handled by the customer's interexchange carrier of choice. My company bills the interexchange carrier access, in accordance with our interstate and intrastate tariffs as appropriate, the toll provider bills the retail revenues to their customer. It is our opinion that the toll provider should be responsible for any termination charges and or transport charges associated with their traffic. In this case the toll provider is the originating carrier and is responsible for payment of all transport and termination charges to other LEC's and to wireless providers on whose network the call terminates.

We believe our interpretation is consistent with the law, the FCC's rules and orders, and that the access regime principles and the reciprocal compensation principles of Section 251(b)(5) do not apply to the same traffic. Since the interexchange land to mobile traffic is handled in accordance with the access regime, that traffic would not fall within the reciprocal compensation regime. Therefore, the wireless carrier terminating the interexchange traffic should look to the interexchange carrier for any compensation and not to the LEC.

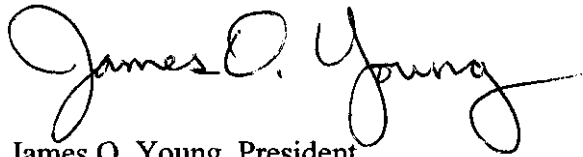
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Please confirm to **us** that **our** interpretation and application **of** the access regime **and** reciprocal compensation principles to traffic **as** described above is consistent with FCC rules, orders and the law.

I **look** forward to your prompt response, thank you.

Sincerely,

CHEROKEE TELEPHONE CO

A handwritten signature in black ink, reading "James O. Young". The signature is fluid and cursive, with the first name "James" and last name "Young" being prominent, and "O." in the middle.

James O. Young, President

JOY/ph

CC: FCC Commissioners ✓
Jack Duncan
Ron Comingdeer